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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,587	06/22/2001	Yasuhiro Ogata	YAMAP0769US	8280

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EXAMINER

CHEVALIER, ROBERT

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/887,587	OGATA ET AL	
Examiner	Art Unit	
Bob Chevalier	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kono et al.

Kono et al discloses a video/audio recording/reproducing apparatus that shows all the limitations recited in claim 1, including the feature of the input switching means for switching between the first, second and third signals and outputting the selected signals (See Kono et al's Figure 1, components 14, and 15, Figure 5, component 9, 10, and EXT, and further, see Kono et al's column 6, lines 56-58, where it is disclosed the capability of switching between more than 3 inputs signals), and the feature of recording the second input signal and the third input signal as one recording unit at the switching between the second and the third input signals as specified in the present claim 1. (See the capability of mixing the second and the third channels as shown in Kono et al's Figure 24, mixed recording).

With regard to claim 2, the feature of the first input being a tuner input and the second and the third inputs being a first line input and a second line input as specified thereof would be present in Kono et al. (See Kono et al's column 24, lines 1-10).

With regard to claim 3, the feature of the recording operation for recording one of the first, second and third input signal; the recording pause for allowing the input

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switching to switch between the first, second and the third input signals and the recording operation for performing recording after the input switching device switches as specified in the present claim 3 would be inherently present in the cited reference of Kono et al. Since, the video/audio recording apparatus as shown by Kono et al includes the capability of performing recording operation on the recording medium of more than one channels wherein the timing of said recording operation would not be overlapped. Therefore, recording a first channel obtained from a first tuner; and pause the recording operation; and recording a different channel obtained from a different tuner at an entirely different timing is a present feature of the Kono et al's apparatus.

With regard to claim 4, the feature of recording the third input signal and the second input signal as one recording unit when the input switching device switches between the third input signal to the second input signal as specified thereof is present in Kono et al. (See the capability of mixing the second and the third channels as shown in Kono et al's Figure 24, mixed recording).

With regard to claims 5-9, the feature of recording the first input signal and the second input signal or the third input signal as different recording units when the input switching device switches between the first input signal and the second input signal or the third input signal as specified thereof would be present in Kono et al. Since, the video/audio recording apparatus as shown by Kono et al includes the capability of performing recording operation on the recording medium of more than one channels wherein the timing of said recording operation would not be overlapped. Therefore, recording is performed as different recording units as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kono et al in view of Official Notice.

Kono et al discloses a video/audio recording/reproducing apparatus that shows substantially the same limitations recited in claim 10, including the feature of switching between plurality of input video/audio signals and recording the selected input signal as on the recording medium as specified in the present claim 10. (See the capability of recording on the recording medium selected input signals as shown in Kono et al's claim 1, for example).

Kono et al fails to specifically disclose the feature of converting the selected input signal to digital data and recording the same as data file and management information as recited in the present claim 10.

Examiner takes Official Notice in that it is notoriously well known in the video/audio recording/reproducing art to convert inputted audio/video signal to digital format and recording the same as data file and management information as specified in the present claim 10.

It would have been obvious to one skilled in the art to modify the Kono et al's recording/reproducing apparatus wherein the recording/reproducing means provided thereof would incorporate the capability of converting the selected video/audio input signal to digital format and recording the same as data file and management information on the recording medium in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to increase the quality of the recorded signals and increase the recording density of the recording medium as suggested in the prior art.

With regard to claim 11, the feature of reproducing the data file from the recording medium based on the management information recorded on the recording medium as specified thereof would be present in the proposed combination indicated above. Since, the Kono et al's apparatus already includes the capability of reproducing recorded signals from the recording medium. Therefore, reproducing the recorded signals based on the recorded management information would necessarily be a present characteristic of the proposed combination indicated above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

De Haan discloses a video recording/reproducing apparatus.

Nishino et al discloses a video recorder including input switching means.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT CHEVALIER
PRIMARY EXAMINER

B. Chevalier
October 29, 2005.